S.B. CIVIL WRIT PETITION NO.5869/2005

Ishwar Singh

vs.

Addl. District Judge, Barmer and others.

Date : 14.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.KR Choudhary, for the petitioner.

Mr.HR Soni, Dy.GA, for the respondents.

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Heard learned counsel for the parties.

The petitioner/plaintiff's application filed under Order 14 Rule 5 CPC for framing of additional issues was dismissed by the first appellate court vide order dated 25.7.2005.

Learned counsel for the respondents submitted that the main appeal itself has been dismissed by the court below.

Learned counsel for the petitioner submitted that the petitioner has submitted a restoration application, which is pending in the court below.

Since the main appeal itself has been dismissed by the court below, therefore, no relief

can be granted to the petitioner in this writ petition.

In view of the above reason, this writ petition is hereby dismissed.

However, it is made clear that in case, the main appeal is restored, the petitioner shall be free to approach this Court to challenge the impugned order.

(PRAKASH TATIA), J.

S.Phophaliya